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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

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AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
WATER UTILITY OF GREATER TONOPAH,  
INC., FOR AN EXTENSION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-02450A-05-0430

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On June 10, 2005, Water Utility of Greater Tonopah, Inc., ("Tonopah" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate") to include the West half of Section 30 and all of Section 31, Township 2 North, Range 6 West, in Maricopa County, Arizona.

On July 12, 2005, the Staff of the Commission's Utilities Division ("Staff") filed a letter indicating that Applicant's application has met the sufficiency requirements as outlined in the Arizona Administrative Code.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall commence on **September 12, 2005 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 24, 2005.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed on or before September 6, 2005.

IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in this matter, in the following form and style, with the heading in no less than 10 point bold type and the body in no less than 10 point regular type:

**PUBLIC NOTICE OF HEARING ON THE**  
**APPLICATION OF WATER UTILITY OF GREATER TONAPAH, INC.,**  
**FOR AN EXTENSION OF ITS CERTIFICATE OF**  
**CONVENIENCE AND NECESSITY**  
**(W-02450A-05-0430)**

On June 10, 2005, Water Utility of Greater Tonopah, Inc., ("Tonopah" or "Applicant") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("CC&N") to provide water utility service in Maricopa County, Arizona. If the application is granted, the Applicant would be the exclusive provider of water service to the proposed area, and would be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of the Company, [insert address].

The Commission will hold a hearing on this matter beginning **September 12, 2005 at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to the Applicants or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicant, a shareholder of the Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 24th, 2005. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Failure to intervene will not preclude any potential customer from appearing at the hearing and making a statement on such person's own behalf. You will not, however, receive any further notice of the proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602-542-3931, E-mail lghogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the Applicant shall mail to each property owner in the  
2 requested extension area a copy of the above notice and shall cause the above notice to be published  
3 at least once in a newspaper of general circulation in its proposed service territory, with publication  
4 and mailing to be completed no later than August 12, 2005.

5 IT IS FURTHER ORDERED that the Applicant shall file certification of mailing/publication  
6 as soon as practicable after the mailing/publication has been completed, but not later than August 19,  
7 2005.

8 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication  
9 of same, notwithstanding the failure of an individual to read or receive the notice.

10 IT IS FURTHER ORDERED that Staff shall file a Staff Report on or before August 17, 2005.

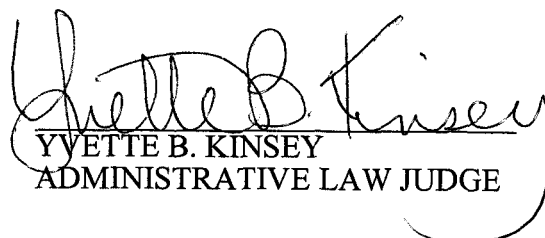
11 IT IS FURTHER ORDERED that the Applicant shall file any objections to the Staff Report  
12 on or before August 29, 2005.

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
14 Communications) applies to this proceeding as the matter is now set for public hearing.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
16 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

17 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
18 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

19 DATED this 18<sup>th</sup> day of July 2005.

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22   
23 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

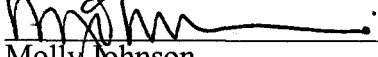
24 Copies of the foregoing mailed/delivered  
25 this 18 day of July 2005 to:

26 John Mihlik, Jr.  
27 Chief Financial Officer  
28 Water Utility of Greater Tonopah  
3800 N. Central Avenue #770  
Phoenix, Arizona 85012

1 Christopher Kempley, Chief Counsel  
Legal Division  
2 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
3 Phoenix, Arizona 85007

4 Ernest G. Johnson, Director  
Utilities Division  
5 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
6 Phoenix, Arizona 85007

7 ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Suite Three  
8 Phoenix, Arizona 85004-1104

9  
10 By:   
11 Molly Johnson  
Secretary to Yvette B. Kinsey